UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

| IN RE: | KISHA N. WALKER | | } | NO. | 05-05243-BGC-13 |
|--------|-----------------|--------|---|-----|-----------------|
| SSN: | XXX-XX-2727 | | } | | |
| | | Debtor | } | | |

CONFIRMATION ORDER

- 1. Confirmation The debtor's plan is confirmed.
- 2. Plan Payments The debtor shall pay \$471.00 per month for 60 months to D. Sims Crawford, the Chapter 13 trustee.
- 3. <u>Claims</u> To be paid in this case, a creditor must file a proper proof of claim with this Court. A properly filed claim will be paid as filed unless an objection is filed. If an objection is filed, a hearing will be scheduled. The claim could be allowed, disallowed, or modified.
- 4. Attorney Fee The debtor's attorney fee is \$1,500.00.
- 5. Payments by the Trustee From money received, the trustee shall first pay administrative fees of \$194.00. After those fees are paid, the trustee shall pay an attorney fee installment of \$1,000.00. After that installment is paid, if a proper proof of secured or priority claim has been filed and no objection is pending, the trustee shall pay the monthly amount listed to:

Gene Martin Auto Sales

\$301.00 per month

The balance of the attorney fee award shall be paid monthly in installments of \$100.00. Properly filed unsecured claims shall be paid monthly in proportion to the total amount of properly filed unsecured claims until all are paid 100 percent. Any debt not addressed by this order shall be administered in accordance with the debtor's confirmed plan and applicable law.

- 6. Debtor orally moved in open court to amend plan payment and/or increase fixed payments.
- 7. Trustee's Objection to Confirmation is Overruled and Motion to Dismiss is Denied.
- 8. Child Support, Alimony, and Utility Obligations If the debtor has an ongoing child support, alimony, or utility obligation and fails to make any post-petition payment for a debt on that obligation, relief from the automatic stay is granted to collect that, or any future debt, or to enforce any order or contract associated with the obligation.
- 9. Property of the Estate "[T]he plan upon confirmation returns so much of that property to the debtor's control as is not necessary to the fulfillment of the plan." *In re Telfair*, 216 F.3d 1333 (11th Cir. 2000) (quoting *In re Heath*, 115 F.3d at 524, 7th Cir. 1997).
- 10. Filing Fee If the debtor applied to pay the filing fee in installments and does not owe prior administration fees, the application is granted; otherwise, the application is denied.

It is so ORDERED.

Dated: August 5, 2005

/s/ BENJAMIN G. COHEN United States Bankruptcy Judge

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